

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

JERRY RAY HALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:08cv60-HEH
	)	
A. BULLOCK, <i>et al.</i>	)	
	)	
Defendants.	)	

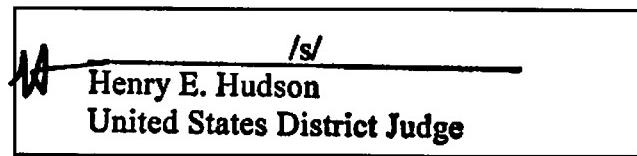
**MEMORANDUM OPINION**  
**(Denying Rule 60(b) Motion To Reopen)**

On March 10, 2008, Plaintiff moved to voluntarily dismiss this action. On April 7, 2008, the Court entered an Order dismissing the action without prejudice and Plaintiff's case was closed. On April 29, 2008, Plaintiff sent this Court a letter-motion asking that the Court reopen this closed case. Because Plaintiff's letter-motion was filed more than ten days after the Court's April 7, 2008 Order, it is properly construed as a motion for relief under Rule 60(b) of the Federal Rules of Civil Procedure. *See In re Burnley*, 988 F.2d 1, 2-3 (4th Cir. 1992).

In order to obtain relief under Rule 60(b), a movant must demonstrate timeliness, a meritorious claim, a lack of prejudice to the opposing party, and exceptional circumstances. *Dowell v. State Farm Fire & Cas. Auto. Ins. Co.*, 993 F.2d 46, 48 (4th Cir. 1993) (quoting *Werner v. Carbo*, 731 F.2d 204, 207 (4th Cir. 1984)). Once the movant has made this threshold showing, he must proceed to satisfy one of the six grounds for relief enumerated in Rule 60(b). *Id.* (citing *Werner*, 731 F.2d at 207). The

Court finds, however, that Plaintiff has made no such threshold demonstration of exceptional circumstances. Given that the Court's dismissal was without prejudice, Plaintiff is free to refile his case. Accordingly, Plaintiff's motion to reopen (Docket No. 13) will be denied.

An appropriate Order shall issue.



Date: June 2, 2008  
Richmond, Virginia